

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3 OF 2018
IN
FAMILY COURT APPEAL NO.111 OF 2016**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Ranvir Shekhawat i/b Mr.Raj Legal for the applicant

Ms.Shruti S.Kelji for the respondent

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.
DATE : FEBRUARY 20, 2018**

P.C.:

1. Heard the learned counsel for the parties.
2. This application is preferred by wife for enhancement of maintenance charges of child Ms.Swara to the extent of Rs.15,000/- per month.
3. The learned counsel for the applicant submits that child is taking education in 5th standard. He submits that it is very difficult for the applicant to maintain day to day expenses including education expenses of the child. To that effect, applicant has given account in paragraph 12 of Civil Application. It is stated in paragraph 12 that she has to spend monthly fees of Rs.1,400/- of

Oxford High School, Rs.1,000/- per month towards travelling expenses and Rs.1,500/- per month towards school project, books, stationery and also Rs.5,000/- per month for Swara's daily expenses including medical etc. He further submits that applicant is also claiming sum of Rs.20,000/- towards the accommodation expenses.

4. The learned counsel for the applicant submits that at present applicant is earning only Rs.10,000/- per month. He submits that the respondent has flat at Jui Nagar, New Bombay which is lying vacant. He submits that either respondent may allow the applicant to use the same till the hearing and final disposal of present proceeding and or to pay sum of Rs.20,000/- towards house rent. He submits that if present Civil Application is not allowed, irreparable loss and injury will be caused to her.

5. On the other hand, the learned counsel for the respondent husband vehemently opposed the present Civil Application. She submits that respondent husband is getting net salary of Rs.23,040.11 only. She submits that respondent has to maintain his mother and sister also. She submits that it is not possible for respondent to pay sum of Rs.15,000/- per month towards maintenance of the child from his net income of

Rs.23,040.11. She further submits that applicant is also taking class and earning more than Rs.10,000/- per month. Therefore, there is no question of allowing the present Civil Application.

6. It is to be noted that that is the duty of the parents to look after and bear day to day expenses of the child. In the present case, because of dispute between applicant and respondent, child should not suffer. At present, child is taking education in 5th standard.

7. Considering the expenses disclosed by the applicant in paragraph 12 of the Civil Application and averments made in Civil Application, we are satisfied that applicant has made out a case for allowing Civil Application atleast to the extent of Rs.10,000/- per month by way of maintenance charges to the child. In respect of accommodation, liberty granted to the applicant to take out appropriate proceeding and the same will be decided on its own merits, because the said issue is not decided in the present Civil Application. Hence, following order is passed:

a) Respondent Santosh Shankar Tulaskar to pay a sum of Rs.10,000/- per month by way of maintenance for minor child Swara from February, 2018 either directly to the applicant or to deposit in applicant's bank account with ICICI Bank

bearing No.623501517527 (page 19 of Civil Application) on or before 10th of each month in advance.

b) Liberty granted to the applicant to take out appropriate proceeding if they so desire for remaining prayers i.e. for accommodation and that will be decided on its own merits.

c) Civil Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)